

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte STEVE LEWONTIN

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Application 09/750,144

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on March 2, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

An examination of the Image File Wrapper (IFW) reveals that an Examiner's Answer was mailed on November 14, 2006. The claim rejections were listed as follows:

Claims 1-3, 5, 7, 10-13, 15, 17, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simon Hunt et al. (“Simon Hunt”), U.S. Patent Application Publication No. 2004/0049737, in view of Amano et al. (“Amano”), U.S. Patent No. 6,003,033; [page 3] and

Claims 4, 6, 8, 9, 14, 16, 18, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simon Hunt et al. (“Simon Hunt”), U.S. Patent Application Publication No. 2004/0049737, in view of Amano et al. (“Amano”), U.S. Patent No. 6,003,033, in further view of Call, U.S. Patent Application Publication No. 2002/0143521 [page 7].

It is noted that while the “Evidence Relied Upon” section appearing on page 3 of the Examiner’s Answer lists the Simon Hunt et al., Amano et al., and Trapani references, it fails to list the Call reference. It is also noted that the Amano et al. reference is listed with two patent numbers (6,567,815 and 6,003,033). Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1) for submission of a revised Examiner’s Answer which corrects the “Evidence Relied Upon” section; and

2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: Patrick J. Nolan  
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